

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH JAIME and RITA JAIME,

Plaintiffs,

v.

Case Number 11-10302-BC
Honorable Thomas L. Ludington

WELLS FARGO HOME MORTGAGE, INC.,
and US BANK NATIONAL ASSOCIATION,
as Trustee for the Structured Asset Investment
Loan Trust, 200-BNC2,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
AND DENYING DEFENDANTS' MOTION TO DISMISS AS MOOT**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 11] on March 17, 2011, recommending that the Court deny Defendants' motion to dismiss. Judge Binder noted that the parties agreed to permit an amended complaint, and as a result, the motion to dismiss was moot. Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation [Dkt. # 11] is **ADOPTED**.

It is further **ORDERED** Defendants' motion to dismiss [Dkt. # 2] is **DENIED AS MOOT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 7, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 7, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS